



4/25/06

MESSAGES FROM THE HOUSE

SB 242 (Johnson)

Supplemental appropriations budget for 2005-2006.

- Emerson 1a was adopted [no RC].
- Johnson S-5 was adopted [no RC].
- The Senate concurred with the House substitute as amended to SB 242 [RC 260: 37 yes, 0 no].

FINAL PASSAGE

SB 1196 (Sanborn)

Senate Bill 1196 would amend the Corrections Code to specify that a parolee accused of a parole violation could not be released merely because a fact-finding hearing was not held within 45 days. The Code provides that, within 45 days after a paroled prisoner who has been returned or is available for return to a State correctional facility under accusation of a parole violation, other than a conviction punishable by imprisonment, the prisoner is entitled to a fact-finding hearing on the charge before one member of the parole board or an attorney hearings officer designated by the parole board chairperson. Under the bill, if the parolee were in custody, he or she could not be released from custody merely because the fact-finding hearing was not held within the 45-day time limit.

- *SB 1196 was moved to 3rd Reading of Bills.*
- **SB 1196 passed [RC 256: 36 yes, 0 no].**

HB 5490 (Law)

HB 5823 (Van Regenmorter)

HB 5824 (Law)

House Bills 5490, 5823, and 5824 would amend, respectively, the Revised Judicature Act (RJA), the Michigan Penal Code, and the Public Health Code, to do all of the following: Allow an agency that seized money subject to forfeiture laws to deposit the money into an interest-bearing account in a financial institution. -- Give an attorney for a person charged with a violation involving or related to seized money 60 days to examine the money. Require that seized money deposited into a financial institution be returned, with interest, if the prosecution failed to meet its burden of proof.

House Bill 5490 would amend the Revised Judicature Act (RJA) to do the following: Allow an agency that seized money subject to forfeiture laws to deposit the money into an interest-bearing account in a financial institution. Give an attorney for a person charged with a violation involving or related to seized money 60 days to examine the money. Require that seized money deposited into a financial institution be returned, with interest, if the prosecution failed to meet its burden of proof.

- *HB 5490 was moved to 3rd Reading of Bills [no amendments].*
- **HB 5490 passed with IE [RC 259: 36 yes, 0 no].**

House Bill 5823 would allow the seizing agency under Section 49, 159j, or 535a to deposit seized money into an interest-bearing account in a financial institution.

- *HB 5823 was moved to 3rd Reading of Bills [no amendments].*
- **HB 5823 passed with IE [RC 257: 36 yes, 0 no].**

House Bill 5824 also would allow the seizing agency to deposit money seized under Article 7 into an interest-bearing account in a financial institution. Under Article 7 (Controlled Substances) of the Public Health Code, certain property related to a violation of that article, including money, is subject to seizure and forfeiture. When property is seized under Article 7, the seizing agency may place it under seal, remove it to a place designated by the court, or require the administrator (i.e., the Michigan Board of Pharmacy or its designated or established authority) to take custody of the property and remove it to an appropriate location for disposition pursuant to law.

- *HB 5824 was moved to 3rd Reading of Bills [no amendments].*
- **HB 5824 passed with IE [RC 258: 36 yes, 0 no].**

THIRD READING OF BILLS

SB 1039 (McManus)

Senate Bill 1039 would amend the Streamlined Sales and Use Tax Revenue Equalization Act to allow a nonprofit organization that sold an item at a charitable auction to claim a tax refund of 6% of the proceeds of the item over its fair market value. Specifically, the bill would permit a qualified person who paid a tax under the General Sales Tax Act to calculate a credit and seek a refund from the Department of Treasury equal to 6% of the proceeds of a qualified sale of an auctioned item in excess of its gross fair market value.

- SB 1039 was moved to 3rd Reading of Bills [no amendments].

HB 5154 (Palmer)

House Bill 5154 would amend the Airport Parking Tax Act to allow revenue distributed from the Airport Parking Fund to the State Aeronautics Fund to be used for safety and security projects at State airports that did not receive Federal funding. The Act requires the State Treasurer to distribute \$6.0 million per fiscal year from the Airport Parking Fund to the State Aeronautics Fund. That revenue may be used only for safety and security projects at State airports, including reimbursement to the Comprehensive Transportation Fund for payment of bonds issued on or before December 31, 2007, by the State Transportation Commission under Section 18b of the Michigan Transportation Fund law (which allows the Commission to borrow money and issue notes or bonds for certain purposes), to provide State matching funds for Federal funds to be used for safety and security at State airports.

- HB 5154 was moved to 3rd Reading of Bills [no amendments].